

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PARUS HOLDINGS, INC.,)	
)	
Plaintiff,)	
)	
v.)	NO. 08 C 1535
)	
BANNER & WITCOFF, LTD., CHARLES)	Judge Hart
CALL; and EUGENE NELSON,)	
)	Magistrate Judge Denlow
Defendants.)	

PLAINTIFF'S FIRST SET OF REQUESTS TO ADMIT

Plaintiff, Parus Holdings Inc., by and through its attorneys James J. Stamos and Matthew J. McDonald of STAMOS & TRUCCO LLP, pursuant to Rule 36, Fed. R. Civ. P., hereby requests the defendant, Banner & Witcoff, Ltd., to admit the facts set forth below within 30 days after service hereof.

1. Admit that Vail Systems, Inc. was Banner & Witcoff, Ltd.'s client.
2. Admit that Banner & Witcoff, Ltd. was retained by Vail Systems, Inc. to prepare and file a provisional patent application.
3. Admit that Banner & Witcoff, Ltd. filed provisional patent application 60/040,046.
4. Admit that Vail Systems, Inc. paid Banner & Witcoff, Ltd. for legal services it rendered with respect to the filing of provisional patent application 60/040,046.

5. Admit that Banner & Witcoff, Ltd. maintained a file related to its preparation and filing of provisional patent application 60/040,046.

6. Admit that on or around December 16, 1997 Banner & Witcoff, Ltd. received a letter and/or facsimile from Jeffery Pine that instructed Banner & Witcoff, Ltd. to take no further action with respect to provisional patent application number 60/040,046.

7. Admit that on or around December 16, 1997 Banner & Witcoff, Ltd. received a letter and/or facsimile from Jeffery Pine which stated that Robert Swartz had no authority with respect to provisional patent application number 60/040,046.

8. Admit that on or around February 9, 1998, Banner & Witcoff, Ltd. received a fax from Robert Swartz which purported to authorize Banner & Witcoff, Ltd. to send Charles Call the materials it had in its possession with respect to provisional patent application number 60/040,046.

9. Admit that Gene Nelson, while he was an agent of Banner & Witcoff, Ltd., sent Charles Call the file that Banner & Witcoff, Ltd. maintained with respect to its preparation and filing of provisional patent application 60/040,046.

10. Admit that the file Gene Nelson sent to Charles Call while he was an agent of Banner & Witcoff, Ltd. included provisional patent application number 60/040,046.

Respectfully submitted,

Parus Holdings, Inc.,

By: /s/ James J. Stamos
One of Its Attorneys

James J. Stamos
Matthew J. McDonald
STAMOS & TRUCCO LLP
30 West Monroe Street
Suite 1600
Chicago, IL 60603
Telephone: (312) 630-7979
Facsimile: (312) 630-1183
Firm ID No. 18324